

Article - Estates and Trusts

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§13–101.

- (a) In this title the following words have the meanings indicated.
- (b) “ABLE account” means an account described under 26 U.S.C. § 529A(e).
- (c) “Classification of abode” means one of the following types of abode licensed or certified by a State agency:
 - (1) Related institutions under § 19–114 of the Health – General Article;
 - (2) Private or public group homes under § 7–601 of the Health – General Article;
 - (3) CARE homes under Title 6, Subtitle 5, Part II of the Human Services Article;
 - (4) Adult foster care homes regulated by the Department of Human Services; or
 - (5) Senior assisted housing facilities under Title 10 of the Human Services Article.
- (d) “Court” means the court having jurisdiction under § 13–105 of this subtitle.
- (e) “Director” means the director of the local department of social services in the political subdivision where the adult requiring protective services lives.
- (f) “Disabled person” means, unless the context requires otherwise, a person other than a minor who:
 - (1) (i) Has been judged by a court to be unable to manage the person’s property for reasons listed in § 13–201(c)(1) of this title; and
 - (ii) As a result of this inability requires a guardian of the person’s property; or

(2) (i) Has been judged by a court to be unable to provide for the person's daily needs sufficiently to protect the person's health or safety for reasons listed in § 13-705(b) of this title; and

(ii) As a result of this inability requires a guardian of the person.

(g) "Emergency" means that a person is living in conditions which present a substantial risk of death or immediate and serious physical harm to himself or others.

(h) "Estate" is the property of a disabled person or minor which is subject to a protective proceeding.

(i) "Guardian" means a guardian of an estate appointed by a court under Subtitle 2 of this title to manage the property of a disabled person or minor or a guardian of a person appointed by a court under Subtitle 7 of this title, according to the context in which it is used.

(j) "Heirs" denotes those persons entitled under the laws of Maryland to the property of a protected person, as if the protected person had died intestate at the applicable time.

(k) "Interested person" means the guardian, the heirs of the minor or disabled person, any governmental agency paying benefits to the minor or disabled person, or any person or agency eligible to serve as guardian of the disabled person under § 13-707 of this title. If an interested person is also a minor or a disabled person, interested person also includes a judicially appointed guardian, committee, conservator, or trustee for that person, or, if none, the parent or other person having assumed responsibility for that person.

(l) "Maryland Rules" has the meaning stated in § 1-101(o) of this article.

(m) "Mental facility" means any place providing a clinic, hospital, day residential or other programs, public or private, other than a veterans' hospital, which purports to or does provide treatment for persons suffering from mental disorders as defined in § 10-101(i) of the Health – General Article or § 3-101(g) of the Criminal Procedure Article, intellectual disability as defined in § 7-101(k) of the Health – General Article, or drug addiction or for chronic alcoholics.

(n) A "minor" is a person who has not reached the age of 18.

(o) "Pooled asset special needs trust" means a trust described under 42 U.S.C. § 1396p(d)(4)(C).

(p) “Property” includes both real and personal property.

(q) “Protective proceeding” is a proceeding to protect an estate in accordance with Subtitle 2 of this title or a proceeding to appoint a guardian of the person brought pursuant to Subtitle 7 of this title.

(r) “Special needs trust” means a trust described under 42 U.S.C. § 1396p(d)(4)(A).

(s) “Trust company” has the meaning stated in § 1–101 of this article.

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